THREE RAILROADS LOSE

SUPREME COURT UPHOLDS THE INTERSTATE COMMISSION.

Decides That the Commission Has Authority to Regulate the Distribution of Empty Cars to Coal Mines in Order to Prevent Unjust Discrimination.

WASHINGTON, Jan. 10.—That the Interstate Commerce Commission under the Hepburn act has power to regulate the distribution of empty cars to coal mines was decided by the Supreme Court to-day. The court went even further than this in declaring that the commission was right in the exercise of its administrative functions in disregarding an injunction issued by a Federal Circuit Court to restrain it from carrying out its order, and in one of the cases it reversed the lower court's action in proceeding against a carrier before the commission had inquired into the case in the manner prescribed by law.

The opinions were written by Justice White, who spoke for the entire court except Justice Brewer, who dissented in the case against the Illinois Central and Chicago and Alton roads, and in the Baltimore and Ohio case Justice Harlan also dissented.

In the distribution of empty cars to the mines in times of car shortage the railroads of the country have divided the cars into four classes, namely: those owned by the railroads, those used for carrying fuel for the road making the distribution, those owned by the mine, the shipper or the consumer, known as private cars, and cars used by other roads for transporting their own fuel.

In the pro rata distribution based on either capacity or output of the mines all the roads counted those of the first class in making up the percentages, but made exceptions in the case of one or more or all of the other classes, which resulted in great favor to preferred shippers and corresponding hardship to those not favored.

The first test case of distribution was brought by the Ohio Railroad Commission in 1907, the Interstate Commerce Commission deciding that the failure of the Hocking Valley road to include foreign railway fuel cars and private cars in the pro rata was a discrimination prohibited by the interstate commerce act. The Illinois Central a few days later put into effect regulations in conflict with this decision and was about to make them conform to the decision when the Majestic Coal Company obtained an injunction against the road.

Then the Illinois Collieries Company made complaint to the commission that the distribution made by the Illinois Central was discriminatory and the commission ordered the road to include private and railroad fuel cars, the injunction to the contrary notwithstanding. The company went into court for an order enjoining the commission from enforcing its order, setting up among other things the order of the other court in the Majestic case.

The Circuit Court, however, found against the road with regard to private cars and foreign fuel cars but against the commission with regard to the cars carrying fuel for the Illinois Central, holding that as the coal was not for commercial purposes it could not be treated as being engaged in commerce, as "commerce under these circumstances ends at the tipple." The commission appealed from the last part of the finding.

Justice White in his opinion says that the basic questions involved were: First, whether the act to regulate commerce gave the commission authority to regulate the distribution of company cars in times of car shortage as a means of prohibiting unjust preferences or undue discrimination; and, secondly, if authority had been delegated was the order beyond that power. As to the first question he takes up the finding of the lower court that the commission had not authority over coal which ceased to be commerce at the tipple. If that were well founded, he says, it not only challenged the authority of the commission but extended much further and in effect denied the power of Congress to confer authority on the commission over the subject. It could not be doubted that the equipment of a railroad engaged in interstate commerce, included in which were its coal cars, were instruments of commerce, and from this it necessarily followed that such cars were embraced within the Governmental regulations which were intended in time of car shortage to compe a just and equal distribution and the prevention of an unjust and discriminatory one.

As to the second question Justice White said it was plain that the practice resulted in undue discrimination and preference, and as such fell within the sweeping provisions of section 3 of the act prohibiting such actions. To hold otherwise would in effect mean that Congress in enlarging the powers of the commission over rates had so drafted the amendment as to cripple and paralyze its power in correcting abuses as to preferences and discriminations, which, as this court had hitherto pointed out, was the great and fundamental purpose of Congress to further.

The Chicago and Alton case was tried in the lower court at the same time on like grounds and was carried by the Illinois Central case. The third case, however, was brought, not by the commission but by the Pitcairn Coal Company against the Baltimore and Ohio Railroad, the Fairmount Coal Company and thirty-one other coal companies on the Monagh division of the road and alleged discrimination in allotment of cars, including private cars, and other matters, including an increase of 50 per cent. in quota for prompt unloading at Curtis Bay, Baltimore harbor. The Court, however, ordered this suit dismissed on the ground that the grievances complained of were primarily within the administrative competency of the Interstate Commerce Commission and were not subject to be judicially enforced, at least until that body had been afforded, by a complaint made to it, the opportunity to exert its administrative functions.

FOR COAST DEFENCE.

The Fortifications Bill Reported to the House Carries $5,617,000.

WASHINGTON, Jan. 10.—Nearly six millions for the defence of harbors and other strategic points in the United States proper and in the insular possessions are provided in the fortifications bill which was reported to the House to-day. Conforming to the policy of retrenchment entered on by Congress the House Committee on Appropriations slashed the estimates submitted. The Secretary of War asked for an appropriation of $6,726,724 for fortifications. The House Committee has allowed $5,617,000 for the purpose. This is $2,552,911 less than was appropriated on the same account by Congress last winter.

The appropriation is subdivided as follows: Fortifications and other works of defence, $800,000; armanent of fortifications, $1,970,000; for submarine mines, $58,000; fortifications in insular possessions, $2,689,300.

COST OF CARRYING THE MAILS.

$44,885,395 Paid to the Railroads in the Last Fiscal Year.

WASHINGTON, Jan. 10.—According to the annual report of Second Assistant Postmaster-General Stewart $44,885,395 was paid to railroads for carrying the mails during the last fiscal year. The Second Assistant recommends that legislation be enacted authorizing payments to vessels of the second class for carrying the mail to South America, the Philippines, Japan, China and Australia, 4,000 miles or more in length outward voyage. He also recommends that Congress be requested to give consideration to the question of providing for the retirement of railway postal clerks incapacitated for further duty by reason of advanced age or physical disability.

PACIFIC RAILROAD MERGER.

Administration Considers the Advisability of Abandoning Dissolution Suit.

WASHINGTON, Jan. 10.—The Administration is considering seriously the abandonment of the suit brought many months ago under the Sherman anti-trust law to dissolve the merger of the Union Pacific and the Southern Pacific railroads as an unlawful combination in restraint of trade. Both the President and Attorney-General Wickersham have thought about the case for some time and late this afternoon there was an important conference at the White House at which the abandonment of the suit was discussed at length.

In addition to the President and Attorney-General Wickersham, Frank B. Kellogg, the Government's principal trust buster, and one of the men who was concerned in the first part of the proceedings against the merger; Robert S. Lovett, president of the Harriman lines; Maxwell Evarts, general counsel for the Harriman lines, and former United States Senator John C. Spooner, who has acted as counsel for the Harriman lines in this suit, were present. The consultation lasted almost four hours. No conclusion was reached, but further meeting between the railroad men and the Administration counsellors will be held in the near future.

The suit against the merger was instituted in Salt Lake City. It was brought by the Department of Justice after both that Department and the Interstate Commerce Commission had made investigations. Hearings have been held off and on in various cities before examiners. It was decided that all testimony should be in by the middle of March and that arguments should thereafter be made.

It was the idea of the conference that the case be settled out of court before the middle of March, thus saving unnecessary expense and litigation. Some of the President's advisers, it was made known, favor the dissolution of the suit. It has been suggested that about the biggest objection to such action has been that the Administration might be sadly misunderstood if the proceedings were quashed. It might be believed generally that the President had favored the railroads and refused a chance to "bust" another trust.

On the other hand some of the President's advisers believe that it would be better for the country if these railroads were permitted to combine. In such case there would be fewer suits, for there would be fewer companies to prosecute in event of violations. Under the Hepburn law and the amendments which Mr. Wickersham has drafted with the President's approval, which Congress is expected to pass this year, the railroads it was asserted, would be well within the control of the Interstate Commerce Commission and the proposed Commerce Court. The Commission could regulate rates as it chose and there would be practically the same effect as if there was a combination, and the Government would not be compelled to institute proceedings against each different line.

CONSERVATION MESSAGE NEXT.

It Is Ready to Submit to Congress, Together With Ballinger's Bills.

WASHINGTON, Jan. 10.—Secretary Ballinger and Secretary of Agriculture Wilson had conferences with President Taft to-day on conservation and the changes which have occurred recently through Executive decapitation in the Forestry Bureau. Secretary Ballinger said that both the President's conservation message and his own five conservation bills were ready.

A synopsis of the five bills, Secretary Ballinger said, would be given out soon. Secretary Wilson conferred with Mr. Taft about the forestry bureau and said afterward that for the present there would be no changes in the personnel. Albert F. Potter, assistant forester, who was named by Mr. Wilson to take up the duties of Gifford Pinchot, Overton W. Price and Alexander Shaw, the three men who were removed, will remain in charge for some time. The President would take his time, Mr. Wilson said, in selecting new men.

Movements of Naval Vessels.

WASHINGTON, Jan. 10.—The cruiser Chicago has arrived at Philadelphia, the cruisers Denver and Galveston at Guam, the hospital ship Solace at New York yard, the tug Rocket at Norfolk, the yacht Mayflower at Havana, the cruiser Prairie at Cristobal and the torpedo boat Preston at Newport.

The battleship Nebraska, the supply ship Celtic and the tugs Potomac and Patuxent have sailed from New York for Guantanamo the repair ship Panther from Tompkinsville for Guantanamo, the tender Yankton from Hampton Roads for Guantanamo and the cruiser New Orleans from Mare Island for Honolulu.

Col. Gordon Calls on the President.

WASHINGTON, Jan. 10.—One of President Taft's first callers this morning was Col. James Gordon of Okolona, Miss., the successor to the late Senator McLaurin, who reminds old Washingtonians of the days before the war. Col. Gordon brought Mr. Taft a book of his own production which bears the title "The Old Plantation, and Other Poems." The President, Senator Gordon said, was glad to get the book, and although he might not agree with all the sentiments he should know what a Southerner had to say about such things.

Transfer of Naval Civil Engineers.

WASHINGTON, Jan. 10.—A general transfer of the civil engineers of the navy has been ordered by Secretary Meyer. A new post, inspector of public works, has been created and Civil Engineer A. C. Cunningham, now on duty at the Norfolk Navy Yard, has been ordered to Washington for the office. Civil Engineer L. E. Bellinger has been transferred from the New York to the Philadelphia navy yard. Assistant Civil Engineer J. V. Rockwell has been ordered from Schenectady, N. Y., to the New York Navy Yard.

COMING ARMY MANŒVRES.

Major-Gen. Roe Designates the State Troops to Participate.

ALBANY, Jan. 10.—As a result of the receipt by Adj.-Gen. Henry of an invitation by the War Department for State troops to participate in the war manœvres to be held at the State camp at Pine Plains this year, Major-Gen. Roe and Gen. Henry have recommended to Gov. Hughes the advisability of sending the following organizations, contingent of course upon the annual appropriation Congress may make to cover the necessary expense.

Three members from the Major-General's staff, the 12th, 60th and 71st regiments, New York city, 2d brigade and staff, 14th, 23d and 47th regiments, Brooklyn, First Battalion, Corps of Engineers, New York; First Company Signal Corps, Squadron C Cavalry, Brooklyn; Troop B, Albany; Troop D, Syracuse; Sixth Battery, Binghamton. Provision has been made for the sending of several of the United States troops to this camp, but the dates have not as yet been definitely determined upon. It is proposed to have each of the organizations spend ten days at the camp.

First Battery Private to Be Court-Martialled.

ALBANY, Jan. 10.—Gov. Hughes has approved the request of Major-Gen. Charles F. Roe for a court-martial to hear and determine charges made by First Lieut. Frank R. Barrett of the 1st Battery, Field Artillery, New York, against Private William H. Doche, Jr., who is charged with conduct unbecoming a soldier and of conduct prejudicial to the good of the service. Doche refused to obey certain commands of the Lieutenant.

THE PEOPLE'S MUTUAL LIFE

SCHEME TO TRANSFER OWNERSHIP DEFEATED.

Statement by Supt. Hotchkiss of the Insurance Department—He Says $110,000 Was Paid to Trustees and Action Will Be Brought to Recover Money.

ALBANY, Jan. 10.—Regarding the despatches from Syracuse involving Lieut.-Gov. Horace White in the testimony taken in the State Insurance Department's investigation of the proposed change of control of the People's Mutual Life Insurance Association and League, Supt. William H. Hotchkiss of the Insurance Department to-day declared that he believed the Lieutenant-Governor had testified before him regarding the company's transactions with candor.

"I am certain Mr. White told me the truth as to his full connection with the matter," said Mr. Hotchkiss. "I believe that such connection with the matter was due to the trust which Mr. Tevis and the old directors had in him."

In response to requests for an official statement of the facts, Supt. Hotchkiss to-night gave out the following:

"In brief the evidence shows that eight of the nine directors of this society, which is a fraternal beneficiary society, having no capital stock, have received thus far the following amounts from one John Tevis of Louisville, Ky., who seems to have been in effect the purchaser of this society with assets of about $3,000,000 and having 40,000 members, viz.: Willard H. Peck (first payment), $21,500; Iram C. Reed, $15,000; E. E. De Barr, $13,500; Dr. E. O. Kinne, $25,000; J. E. B. Santee (this sum having been sent him in currency by Dr. Kinne out of $30,000 paid the latter), $5,000; Charles F. Wayte, $10,000; H. H. Mondon, $5,000; Slayter Laycock, $5,000.

"The $50,000 of the $150,000 placed in Lieut.-Gov. White's hands by Mr. Tevis was disbursed by the latter in the following amounts: Willard H. Peck, $10,000; First National Bank of Syracuse, $5,000; John Tevis, $10,000; Horace White, $20,000; still on deposit in the First National Bank of Syracuse $5,000.

"Messrs. Peck Reed and De Barr claim that the money paid them was consideration for their assignment to Mr. Tevis of certain contracts bearing date in 1904, at about the time this society began business, whereby they were to receive in addition to their salaries certain percentages on business done. Messrs. Peck and Reed, however, admit that obligations to them on these contracts were never carried as a liability against the company, and therefore face the alternative of admitting that this money was paid to them, as claimed by the department, in consideration of their joining in a scheme for the surrender of the control of this company to Mr. Tevis and his associates, or else responding to the charge of filing false statements in the Insurance Department for the past several years. The evidence indicates that none of the other directors had contracts to sell, and suggests that the money paid them was by way of distribution for their share in the transfer of this society to Mr. Tevis.

"As to the disbursement of the $50,000, it would appear that the $10,000 paid Mr. Peck was by way of securing his services in connection with a new or reorganized company; that the payment to the First National Bank of Syracuse was in consideration of its accepting on deposit from one Travers of the Farmers Bank of Canada, on behalf of Mr. Tevis, Canadian currency to the extent of $150,000, and also for its good offices and the risks which it might run in practically cashing $180,000 of this society's securities that the same might be used in making a deposit of $150,000 of the society's moneys in the Farmers Bank of Canada; that the payment of $10,000 to Mr. Tevis was a return to him of his own money; and that the payment of $20,000 to Lieut.-Gov. White was for moneys owing him over a period of several years and represented by disbursements, cash advances, profits and services in several transactions in which he had been interested with or represented Mr. Tevis; and that the $5,000 still in the bank is claimed by Mr. Tevis, but at the request of the department is being held subject to the determination, after examination, as to whether he is entitled to the same.

"Numerous decisions of the courts are to the effect that the officers of societies of this kind are trustees and that any moneys received by them in a transaction of this nature belong to the society and not to them. The Department has already requested the Attorney-General to bring action against such officers to recover the sums so paid them.

"The testimony, which is quite voluminous and contains much that throws sidelights on the whole transaction, indicates that the old officers looked upon this society as their property, and without consulting its members were willing to dispose of it to their individual profit. In the opinion of the Department, men who would thus sell their trusteeship cannot be trusted to continue in such trusteeship; likewise men who would buy such a trusteeship might sell it. Hence the Department's action in seeking to take this company and its large assets out of their hands."

BIG SUIT AGAINST THE STATE.

Knitting Mill Company Claims $1,019,000 for Breach of Contract.

ALBANY, Jan. 10.—Before the State Court of Claims to-day was begun the trial of a claim against the State for $1,019,000 put in by the Ontario Knitting Mill Company of Oswego, seeking to hold the State to an alleged contract to buy the mill property and water rights in connection with the enlargement of the Oswego Canal. It was alleged when the claim first put in an appearance under the late administration that prominent Democratic politicians were interested in the mill property.

It is alleged in the answer put in to the court by the State that before steps were taken to complete the condemnation of the property the State served notice on the company that it had found the property would not be needed for the canal. It is further alleged that the property was bought by its present owners for $100,000. Attorney-General O'Malley, representing the State, declares there was no appropriation by the State, and therefore no basis exists for a claim for damages. Ex-Deputy Attorney-General Charles N. Bulger of Oswego represents the claimants.

$20,000 WORTH OF FAME.

Clark Sticks to It That Chanler Owes It —Nominated Him for Governor.

William F. Clark was on the witness stand before Supreme Court Justice Bischoff all day yesterday in the trial of his suit for $20,000 against Lewis Stuyvesant Chanler for his alleged services in booming Chanler for the Democratic Presidential nomination in 1908. He said he had had Chanler nominated for Governor, anyhow, and thought he was entitled to something for that.

Clark's counsel, Clarence J. Shearn, showed him a published interview with State Chairman William J. Conners in which Conners said that Chanler would get the State indorsement and if nominated would carry the State by 60,000. Clark declared that Conners had given him that interview.

Clark testified that Dr. W. J. O'Sullivan, who was a State transfer tax appraiser at that time, was in with him on the Chanler publicity, and that Dr. O'Sullivan prepared a speech to be delivered by Chanler at Atlanta in October, 1907, which was to direct attention to him as a candidate. Clark said he sent out advance copies of the speech to all the press associations, but Chanler changed his mind and made his own speech.

"Do you consider that your services were really worth $20,000?" he was asked by Bronson Winthrop on cross-examination.

"ertainly, when you consider that I took a man who was practically unknown and made him a national character."

Mr. Chanler, who was sitting beside his counsel, appeared to be amused over this reply.

"But you didn't get him nominated?"

"No, but he was nominated for Governor, wasn't he?" He wouldn't have been nominated for Governor but for me."

"Did you make him Lieutenant-Governor to?"

"I helped. I voted for him."

"Did you get paid anything for that?"

"No."

Mr. Chanler will probably go on the stand to-day.

WHAT'S A DOSE OF BENZOATE?

Dr. Folin Admits That It Is a Question as Yet Unanswered.

INDIANAPOLIS, Jan. 10.—Dr. Otto Folin, professor of bacteriological chemistry in Harvard medical school, was a witness in the hearing before Edward Daniels, master in chancery of the Federal court, to-day in the case of the State of Indiana against Curtice Brothers Company and Williams Brothers Company.

This is the case in which the two companies, food manufacturers, seek to prevent W. E. Barnard, State Food and Drug Commissioner, and the State Board of Health from enforcing a rule against the sale in Indiana of food products containing benzoate of soda.

Dr. Folin is the originator of many of the methods used by the Federal referee board in making its tests to ascertain the effects of the use of benzoate of soda. This referee board, which was appointed during the Roosevelt administration, made a long series of tests on six young men with foodstuffs containing benzoate and it reported in favor of permitting the use of the stuff, holding that it was not injurious to health.

Toward the close of his direct examination he made the statement, however, that in his opinion benzoate of soda in small doses taken in food by a healthy adult was not injurious to health. He confined his opinion to condiments, however, and not to the general run of food.

"But," he said, "it has never yet been determined just what amount of benzoate of soda constitutes a small dose."

This statement was regarded by the representatives of the State as important because it left open the question as to the amount of benzoate which would be injurious to health.

The State health authorities take the position in their rule that no amount of benzoate of soda is permissible in foodstuffs. Under the Federal law the manufacturers may use one-tenth of 1 per cent. of benzoate of soda.

Cured Lunatic Kills Wife and Child.

SPRINGFIELD, Mo., Jan. 10.—William Christmann, a farmer who was recently discharged from the State Insane Asylum at Nevada as "cured," shot and killed his wife and his ten-year-old daughter at their home, six miles west of Springfield, this afternoon.

SHARP PREVENTORIUM TALK

MR. STRAUS WANTS PEACE, BUT IF IT'S WAR HE'S READY.

Blames Mr. Untermyer for Mr. Nathan's Opposition, but the Latter Sharply Says He Needn't—Will Resist to the End Attempts to Oust the Children.

Nathan Straus gave out yesterday a statement of his intentions in the matter of the Lakewood tuberculosis preventorium and also a letter to Samuel Untermyer, counsel for Max Nathan, part owner with Mr. Straus of the Lakewood property which Mr. Straus wishes to have devoted to the purposes of the preventorium and Mr. Nathan does not. Mr. Untermyer gave out a letter from Mr. Nathan to Mr. Straus.

In his statement Mr. Straus says: "I mean to resist to the uttermost any attempt to dispossess the poor children who are now breathing the pine air of Lakewood. Even if the enemies of the children have found a Mr. Untermyer to take up a case that Abe Hummel would have scorned I have no fear of their succeeding.

"I mean to conduct this work peaceably, if that can be, but I'll put it on a war footing if necessary, and I'll fight to the last gasp for those children. If I have to fight I'll spare no one."

In his letter to Mr. Untermyer, which bears date of January 5, Mr. Straus wrote:

Years of close association with Mr. Nathan has bred in me a feeling of sincere friendship toward him and I cannot help believing that he has in the past felt a sincere friendship for myself, nor can I believe that even to-day, when he is true to himself, he could be false to this friendship.

I do feel, however, most strongly that in this fight insinuations have been made and tactics have been used against me that have been inspired by a personal animosity. Since I know that you are not only his legal adviser, but that he relies to a great extent upon your advice in all his affairs, I must feel that you have dictated and are to a great extent the responsible cause of his unfortunate attitude in this matter, and I feel that your acts are entirely at variance with your protestations of personal friendship toward me.

In all frankness I must state to you that I feel absolutely no friendship toward yourself, and I earnestly request that you cease protesting even to yourself that you are actuated by any friendship toward me.

I would rather have ten first class enemies than one such friend as you pretended to be in this unfortunate matter.

The letter of Max Nathan to Nathan Straus is dated January 10. In it Mr. Nathan takes full responsibility for his opposition to placing the Lakewood property at the disposal of the preventorium and writes that he shall continue to keep his promise to the people of Lakewood to do everything in his power to prevent Mr. Straus from carrying out his purpose. He writes:

Mr. Untermyer took up the struggle most reluctantly after urging me on account of my age to keep out of it and after bringing all the pressure he could to bear for that purpose. You know that as well as I do, for you have known me a great many years, and you know furthermore that your statements in that connection are not sincere.

If you want to help the preventorium, why not join me in selling the property for $250,000, and we will give that money to the institution?

You need not hesitate to place the responsibility for the opposition to your schemes on me, where it justly belongs. I shall bear it with considerable satisfaction.

Dog Brought News of Something Wrong.

NEWTON, N. J., Jan. 10.—David Kishpaugh, 53 years old, of Wintermute, went to cut trees in his swamp this morning. His shepherd dog followed him.

At dinner time Kishpaugh failed to come home, and a little later the dog came in making a great fuss. Mrs. Kishpaugh started out to find her husband. David Yetter, who met her, said he would go, as it was dangerous for her out on the ice.

The dog led Yetter to a spot in the swamp where Kishpaugh was lying dead with a tree across his neck.

Kishpaugh was a well to do farmer. Besides his wife he leaves no children.

QUEER MATRIMONIAL TANGLE.

Woman Suing for Alimony Refuses to Deny That the Marriage Was Bigamous.

Justice Kelly in the Supreme Court in Brooklyn yesterday refused to sign an order for alimony and counsel fee in the suit brought by Josephine Rank for a legal separation from her husband, John W. Rank, manager of one of the branches of the Columbia Refining Company, at 90 West street, Manhattan, because the plaintiff failed to deny that she had a husband living when she married the defendant.

In his answer to the complaint Rank admitted the marriage ceremony, but denied its legality, saying that he had a wife, Ida Hazel Rank, living at the time and that the plaintiff had a husband, Charles Mulbach. He alleges that the plaintiff knew all this when she married him, wherefore he holds that he was at liberty to desert her. According to Frederick W. Trester, who claims to know, Rank is living at 1368 Boston road, The Bronx, with Mary Jurgins.

Mrs. Rank says that she is in dire straits and that her only revenue is derived from painting crockery. She says that her husband is a stockholder and director in the oil refining company and that as a manager he receives a salary of $5,000 a year.

Justice Kelly denied the plaintiff's application without prejudice, granting her permission to renew it at any time that she denies she married under the conditions alleged by Rank.

MILITARY ACADEMY BURNED.

Main Building at Cornwall Destroyed—Students and Faculty Escape.

NEWBURGH, Jan. 10.—The main building of the New York Military Academy in Cornwall, conducted by Col. S. C. Jones, was burned to the ground at an early hour to-day. Students, servants and faculty in the building numbered about 200, and although many hairbreadth escapes occurred, only one boy was slightly hurt. He was John Barrett of Cleveland, Ohio. He went back into the large building for his watch and money and being cut off had to jump from a second story window. He will be about as good as ever in two or three days. An old woman, a servant, had to be forced out while crying, "Let me stay here and die; I have no other home."

The fire drill worked to perfection or there would have been scores of lives lost. The fire is supposed to have started from an electric wire on the third floor and in a short time, there being inadequate fire facilities, the main building was a mass of flames. The building measured 150 by 70 feet. One of the smaller buildings was also burned. The loss is probably $60,000, with about three-quarters insurance.

The 150 students have been temporarily quartered about the village. Tomorrow they will open up the school in the Elmer House, which has of late been vacant. It has adequate accommodations and new furniture will be put in at once. The students lost a large amount of personal property, many of them getting off with scant clothing.